

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
DE 21-020**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY AND
CONSOLIDATED COMMUNICATIONS OF NORTHERN NEW ENGLAND
COMPANY, LLC d/b/a CONSOLIDATED COMMUNICATIONS**

Joint Petition to Approve Pole Asset Transfer

**OBJECTION OF
NEW ENGLAND CABLE AND TELECOMMUNICATIONS ASSOCIATION, INC.
TO PETITIONERS' MOTION FOR PROTECTIVE ORDER AND
CONFIDENTIAL TREATMENT**

NOW COMES New England Cable and Telecommunications Association, Inc. ("NECTA"), by and through its undersigned counsel, and respectfully objects to the Motion for Protective Order and Confidential Treatment ("the Motion") filed in the above-captioned docket by Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") and Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications ("Consolidated") (together the "Petitioners"). In support of this Objection, NECTA states as follows:

1. On February 20, 2021, Eversource and Consolidated filed a joint petition ("the Petition") requesting that the New Hampshire Public Utilities Commission ("the Commission") approve Consolidated's proposed transfer of certain utility pole assets to Eversource pursuant to a Settlement and Pole Asset Purchase Agreement ("the Agreement").

2. On February 10, 2021, the Petitioners also filed the Direct Testimony of Lee G. Lajoie which included the Agreement as Attachment LGL-1.

3. The public/redacted version of Attachment LGL-1 simply contains a cover page indicating that the document is redacted in its entirety, which is inconsistent with the redacting method required by N.H. Admin. R. Puc 201.04(b).

4. The Petitioners' Motion seeks to protect the entire Agreement from public disclosure on the grounds that it contains confidential commercial and financial information, as well as settlement terms of disputed legal claims.

5. NECTA filed a Petition for Intervention in this docket to protect its members' rights, duties, privileges, immunities and other substantial interests associated with their status as attachers to the poles and as parties to pole attachment agreements that are being transferred under the Agreement. Among other things, NECTA's members' interests in this docket include: their pole attachment rates; the accuracy of the total numbers of jointly-owned and solely-owned poles being transferred; the accounting treatment by Eversource of the pole assets; whether the rates that Consolidated will pay for its attachments to Eversource's poles post-transfer are just, reasonable, and non-discriminatory; and that the terms of Consolidated's access to Eversource's poles are non-discriminatory.

6. If its Petition for Intervention is granted, NECTA intends to fully participate in the instant docket. In order to fully and meaningfully participate in this docket, NECTA requires information that will enable it to pursue the issues identified above. For example, NECTA requires information relating to: whether or to what extent the assets that are being transferred have been identified with specificity and correctly tallied; the value of the pole assets pre- and post-transfer; and Eversource's accounting treatment of those assets. In addition, NECTA needs

access to information demonstrating that post-transfer, Eversource will treat Consolidated like every other third-party attacher with respect to the pole attachment rates to be paid by Consolidated, and the terms of Consolidated's access to Eversource's poles.

7. Because the redacted Agreement contains no information that would enable NECTA to assess whether or to what extent the above-described issues are addressed, NECTA respectfully requests that the Commission direct the Petitioners to submit a redacted version of the Agreement that comports with N.H. Admin. R. Puc 201.04(b)(2) so that NECTA can better assess the precise portions of the Agreement to which it requires access.

8. Although NECTA does not object to protecting the Agreement from disclosure to the public, NECTA respectfully submits that if its intervention petition is allowed, NECTA should be permitted access to the provisions in the Agreement that will enable NECTA to pursue the issues described above, subject to an appropriate nondisclosure agreement or protective order.

WHEREFORE, NECTA respectfully requests that the Commission:

- A. Direct the Petitioners to submit a redacted version of the Agreement that comports with N.H. Admin. R. Puc 201.04(b)(2);
- B. Allow NECTA access to portions of the Agreement that relate to the issues identified above; and
- C. Grant such further relief as is appropriate.

Respectfully submitted,

**NEW ENGLAND CABLE AND
TELECOMMUNICATIONS ASSOCIATION,
INC.**

By its attorneys,
Orr & Reno, P.A.

By: 

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Dated: April 1, 2021

Certificate of Service

I hereby certify that on the date set forth above a copy of the within Objection was sent by electronic or U.S. mail to persons listed on the Service List in this docket.



Susan S. Geiger

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